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March 7, 2011

Via Electronic Filing

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

**Re: UniTel, Inc. Notice of *Ex Parte* Meeting
WC Docket No. 10-143
Petition of CRC Communications of Maine, Inc. and Time Warner
Cable Inc. for Preemption Pursuant to Section 253**

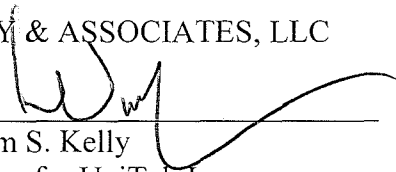
Dear Ms. Dortch:

Pursuant to 47 C.F.R. § 1.1206, please be advised that on March 7, 2011, the undersigned, along with Thomas J. Moorman, both counsel for UniTel, Inc. ("UniTel"), attended an ex parte meeting via telephone with Margaret McCarthy, Wireline advisor to Commissioner Copps. Joseph G. Donahue and Stephen G. Kraskin attended as counsel to Lincolnville Networks, Inc., Tidewater Telecom, Inc. Oxford Telephone Company and Oxford West Telephone Company (the "Lincolnville & Oxford RLECs") (UniTel and the Lincolnville & Oxford RLECs being referred to herein as the "Maine RLECs"). Angela Kronenberg, Wireline legal advisor to Commissioner Clyburn, had been scheduled to attend, but was out of the office due to illness.

During the meeting, the Maine RLECs addressed issues outlined in the March 7, 2011 cover letter attached hereto, as well as the ex parte letters referenced therein. The Maine RLECs' counsel stated that they were uninformed as to what "controversy" was demonstrated in the record in this matter—which is void of any factual information as to a multi-state controversy.

KELLY & ASSOCIATES, LLC

By:


William S. Kelly
Attorney for UniTel, Inc.

Attachment

cc: M. McCarthy
A. Kronenberg
T. Moorman
J. Donahue
S. Kraskin

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Angela Kronenberg,
Office of Commissioner Clyburn

Margaret McCarthy,
Office of Commissioner Copps

Federal Communications Commission
445 12th Street, S. W.
Washington, DC 20554

RE: Ex Parte Telephonic Meeting Scheduled for 10:30 am today;
Docket No. 10-143

Dear Angela and Margaret:

I am writing to you in anticipation of the telephone conference, scheduled for 10:30 am today, to bring to your attention the recent *ex parte* letters filed by Time Warner Cable, Inc. ("TWC") on March 1, 2011, and Verizon on March 4, 2011. UniTel, Inc., Lincolnville Networks, Inc., Tidewater Telecom, Inc. Oxford Telephone Company and Oxford West Telephone Company (the "Maine RLECs") remain concerned that the Commission address squarely any attempt to utilize the TWC request to impose a statutory interpretation of section 251 in a manner that limits the explicit authority granted to the states under the section 251(f) of the Communications Act of 1934, as amended (the "Act"). The shroud of "controversy" or "confusion" does not fit the facts before the Commission. What others may cast as conflicting cases is actually individual state commissions asserting authority and discretion left to them under section 251(f) of the Act. Regardless of TWC's desires and interests, the Commission should not use this proceeding to apply broad statutory interpretation that limits the exercise of a state commission's authority that individual state commissions have exercised since the passage of the 1996 revisions to the Act.

Moreover, any proposed usurpation of the exclusive jurisdiction of the Maine Public Utilities Commission ("MPUC") and its legal obligation as the adjudicatory authority in a rural exemption proceeding to interpret section 251 is particularly troublesome at a time when the Commission has also sought to bolster the state/federal partnership on universal service issues, as most recently expressed in the Commission's action released February 9, 2011. *See, e.g., In the Matter of Connect America Fund, A National Broadband Plan for Our Future, Establishing Just and Reasonable Rates for Local Exchange Carriers, High-Cost Universal Service Support, Developing an Unified Intercarrier Compensation Regime, Federal-State Joint on Universal Service, Lifeline and Link-Up, Notice of Proposed Rulemaking and Further Notice of Proposed*


Rulemaking, WC Docket No. 10-90, GN Docket No. 09-51, WC Docket No. 07-135, WC Docket No. 05-337, CC Docket No. 01-92, CC Docket No. 96-45, WC Docket No. 03-109, FCC 11-13, released February 9, 2011 at ¶¶84-85.

Attached are three recent *ex parte* presentations filed in the above-captioned proceeding. These *ex parte* presentations reflect a February 25, 2010 meeting which was attended by Chairman Jack Cashman and Andrew Hagler (Director of Telephone and Water Utilities) from the MPUC, the Maine RLECs, Edward P. Lazarus and Zachary Katz from Chairman Genachowski's, and several members from the Wireline Competition Bureau (as noted in the letters). In addition, the MPUC *ex parte* letter also discusses a February 28, 2011 telephone conference with representatives of the Wireline Competition Bureau.

The Maine RLECs respectfully submit that the outright denial of the TWC petition is the appropriate method to resolve this proceeding. This result is the correct result based on the law, record facts and rational public policy for all of the reasons stated in the submissions by the MPUC and the Maine RLECs to date, including the Maine Public Advocate's Office which serves as the representative of the end user consumers within the State of Maine.

We look forward to meeting with you to discuss these matters further. Please be advised that we will file a copy of this letter with our post-meeting Notice of Ex Parte filing.

Sincerely,

A handwritten signature in black ink, appearing to read 'Wm Kelly', with a long, sweeping horizontal stroke extending to the right.

William S. Kelly
Counsel to UniTel, Inc.

cc: J. Donahue, Counsel to Lincolnville & Oxford RLECs
S. Kraskin, Counsel to Lincolnville & Oxford RLECs
T. Moorman, Co-Counsel to UniTel, Inc.